

Introduced by Senator Bowen

February 22, 2005

An act to amend Section 124250 of the Health and Safety Code, and to amend Section 13823.15 of the Penal Code, relating to domestic violence.

LEGISLATIVE COUNSEL'S DIGEST

SB 1062, as introduced, Bowen. Domestic violence.

Existing law provides that there is in the Office of Emergency Services a Comprehensive Statewide Domestic Violence Program that provides financial and technical assistance to domestic violence shelter service providers. Existing law also provides that the Maternal and Child Health Branch of the State Department of Health Services shall administer a comprehensive shelter-based grant program to battered women's shelters.

This bill would provide that if an agency receives funding from both programs during any grant cycle, the Comprehensive Statewide Domestic Violence Program and the Maternal and Child Health Branch shall coordinate agency site visits and share performance assessment data to reduce administrative costs. This bill would make other conforming changes.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 124250 of the Health and Safety Code is
- 2 amended to read:
- 3 124250. (a) The following definitions shall apply for
- 4 purposes of this section:

1 (1) “Domestic violence” means the infliction or threat of
2 physical harm against past or present adult or adolescent female
3 intimate partners, and shall include physical, sexual, and
4 psychological abuse against the woman, and is a part of a pattern
5 of assaultive, coercive, and controlling behaviors directed at
6 achieving compliance from or control over, that woman.

7 (2) “Shelter-based” means an established system of services
8 where battered women and their children may be provided safe
9 or confidential emergency housing on a 24-hour basis, including,
10 but not limited to, hotel or motel arrangements, haven, and safe
11 houses.

12 (3) “Emergency shelter” means a confidential or safe location
13 that provides emergency housing on a 24-hour basis for battered
14 women and their children.

15 (b) The Maternal and Child Health Branch of the State
16 Department of Health Services shall administer a comprehensive
17 shelter-based services grant program to battered women’s
18 shelters pursuant to this section.

19 (c) The Maternal and Child Health Branch shall administer
20 grants, awarded as the result of a request for application process,
21 to battered women’s shelters that propose to maintain shelters or
22 services previously granted funding pursuant to this section, to
23 expand existing services or create new services, and to establish
24 new battered women’s shelters to provide services, in any of the
25 following four areas:

26 (1) Emergency shelter to women and their children escaping
27 violent family situations.

28 (2) Transitional housing programs to help women and their
29 children find housing and jobs so that they are not forced to
30 choose between returning to a violent relationship or becoming
31 homeless. The programs may offer up to 18 months of housing,
32 case management, job training and placement, counseling,
33 support groups, and classes in parenting and family budgeting.

34 (3) Legal and other types of advocacy and representation to
35 help women and their children pursue the appropriate legal
36 options.

37 (4) Other support services for battered women and their
38 children.

39 (d) (1) The Maternal and Child Health Branch of the State
40 Department of Health Services shall conduct a minimum of one

1 site visit per grant term to each agency funded to provide
2 shelter-based services to battered women and their children. The
3 purpose of the site visit shall be a performance assessment of,
4 and technical assistance for, each agency visited. The
5 performance assessment shall include, but need not be limited to,
6 a review of all of the following:

- 7 (A) Progress in meeting program goals and objectives.
- 8 (B) Agency organization and facilities.
- 9 (C) Personnel policies, files, and training.
- 10 (D) Recordkeeping, budgeting, and expenditures.
- 11 (E) Documentation, data collection, and client confidentiality.

12 (2) Subsequent to each site visit conducted under paragraph
13 (1), the Maternal and Child Health Branch shall provide a written
14 report to the agency summarizing the agency's performance, any
15 deficiencies noted, and any corrective action needed.

16 (3) ~~Where~~ *If* an agency receives funding from both the
17 Maternal and Child Health Branch of the State Department of
18 Health Services and the *Comprehensive Statewide Domestic*
19 *Violence Branch of the Office of Criminal Justice Planning*
20 *Program in the Office of Emergency Services* during any grant
21 cycle, the Maternal and Child Health Branch and the
22 *Comprehensive Statewide Domestic Violence Branch Program*
23 shall, to the extent feasible, coordinate agency site visits and
24 share performance assessment data with the goal of improving
25 efficiency, eliminating duplication, and reducing administrative
26 costs.

27 (e) In implementing the grant program pursuant to this section,
28 the State Department of Health Services shall consult with an
29 advisory council that shall remain in existence until January 1,
30 2006. The council shall be composed of not to exceed 13 voting
31 members and two nonvoting members appointed as follows:

- 32 (1) Seven members appointed by the Governor.
- 33 (2) Three members appointed by the Speaker of the Assembly.
- 34 (3) Three members appointed by the Senate Committee on
35 Rules.

36 (4) Two nonvoting ex officio members who shall be Members
37 of the Legislature, one appointed by the Speaker of the Assembly
38 and one appointed by the Senate Committee on Rules. Any
39 Member of the Legislature appointed to the council shall meet
40 with, and participate in the activities of, the council to the extent

1 that participation is not incompatible with his or her position as a
2 Member of the Legislature.

3 The membership of the council shall consist of domestic
4 violence advocates, battered women service providers, and
5 representatives of women's organizations, law enforcement, and
6 other groups involved with domestic violence. At least one-half
7 of the council membership shall consist of domestic violence
8 advocates or battered women service providers from
9 organizations such as the California Alliance Against Domestic
10 Violence.

11 It is the intent of the Legislature that the council membership
12 reflect the ethnic, racial, cultural, and geographic diversity of the
13 state.

14 (f) The department shall collaborate closely with the council in
15 the development of funding priorities, the framing of the Request
16 for Proposals, and the solicitation of proposals.

17 (g) (1) The Maternal and Child Health Branch of the State
18 Department of Health Services shall administer grants, awarded
19 as the result of a request for application process, to agencies to
20 conduct demonstration projects to serve battered women,
21 including, but not limited to, creative and innovative service
22 approaches, such as community response teams and pilot projects
23 to develop new interventions emphasizing prevention and
24 education, and other support projects identified by the advisory
25 council.

26 (2) For purposes of this subdivision, "agency" means a state
27 agency, a local government, a community-based organization, or
28 a nonprofit organization.

29 (h) It is the intent of the Legislature that services funded by
30 this program include services in underserved and ethnic and
31 racial communities. Therefore, the Maternal and Child Health
32 Branch of the State Department of Health Services shall do all of
33 the following:

34 (1) Fund shelters pursuant to this section that reflect the
35 ethnic, racial, economic, cultural, and geographic diversity of the
36 state.

37 (2) Target geographic areas and ethnic and racial communities
38 of the state whereby, based on a needs assessment, it is
39 determined that no shelter-based services exist or that additional
40 resources are necessary.

1 (i) The director may award additional grants to shelter-based
2 agencies when it is determined that there exists a critical need for
3 shelter or shelter-based services.

4 (j) As a condition of receiving funding pursuant to this section,
5 battered women's shelters shall do all of the following:

6 (1) Provide matching funds or in-kind contributions equivalent
7 to not less than 20 percent of the grant they would receive. The
8 matching funds or in-kind contributions may come from other
9 governmental or private sources.

10 (2) Ensure that appropriate staff and volunteers having client
11 contact meet the definition of "domestic violence counselor" as
12 specified in subdivision (a) of Section 1037.1 of the Evidence
13 Code. The minimum training specified in paragraph (2) of
14 subdivision (a) of Section 1037.1 of the Evidence Code shall be
15 provided to those staff and volunteers who do not meet the
16 requirements of paragraph (1) of subdivision (a) of Section
17 1037.1 of the Evidence Code.

18 SEC. 2. Section 13823.15 of the Penal Code is amended to
19 read:

20 13823.15. (a) The Legislature finds the problem of domestic
21 violence to be of serious and increasing magnitude. The
22 Legislature also finds that existing domestic violence services are
23 underfunded and that some areas of the state are unserved or
24 underserved. Therefore, it is the intent of the Legislature that a
25 goal or purpose of the Office of Emergency Services (OES) shall
26 be to ensure that all victims of domestic violence served by the
27 OES Comprehensive Statewide Domestic Violence Program
28 receive comprehensive, quality services.

29 (b) There is in the OES a Comprehensive Statewide Domestic
30 Violence Program. The goals of the program shall be to provide
31 local assistance to existing service providers, to maintain and
32 expand services based on a demonstrated need, and to establish a
33 targeted or directed program for the development and
34 establishment of domestic violence services in currently unserved
35 and underserved areas. The OES shall provide financial and
36 technical assistance to local domestic violence centers in
37 implementing all of the following services:

38 (1) Twenty-four-hour crisis hotlines.

39 (2) Counseling.

40 (3) Business centers.

1 (4) Emergency “safe” homes or shelters for victims and
2 families.

3 (5) Emergency food and clothing.

4 (6) Emergency response to calls from law enforcement.

5 (7) Hospital emergency room protocol and assistance.

6 (8) Emergency transportation.

7 (9) Supportive peer counseling.

8 (10) Counseling for children.

9 (11) Court and social service advocacy.

10 (12) Legal assistance with temporary restraining orders,
11 devices, and custody disputes.

12 (13) Community resource and referral.

13 (14) Household establishment assistance.

14 Priority for financial and technical assistance shall be given to
15 emergency shelter programs and “safe” homes for victims of
16 domestic violence and their children.

17 (c) Except as provided in subdivision (f), the OES and the
18 advisory committee established pursuant to Section 13823.16
19 shall collaboratively administer the Comprehensive Statewide
20 Domestic Violence Program, and shall allocate funds to local
21 centers meeting the criteria for funding. All organizations funded
22 pursuant to this section shall utilize volunteers to the greatest
23 extent possible.

24 The centers may seek, receive, and make use of any funds
25 which may be available from all public and private sources to
26 augment any state funds received pursuant to this section.

27 Centers receiving funding shall provide cash or an in-kind
28 match of at least 10 percent of the funds received pursuant to this
29 section.

30 (d) The OES shall conduct statewide training workshops on
31 domestic violence for local centers, law enforcement, and other
32 service providers designed to enhance service programs. The
33 workshops shall be planned in conjunction with practitioners and
34 experts in the field of domestic violence prevention.

35 (e) The OES shall develop and disseminate throughout the
36 state information and materials concerning domestic violence.
37 The OES shall also establish a resource center for the collection,
38 retention, and distribution of educational materials related to
39 domestic violence. The OES may utilize and contract with

1 existing domestic violence technical assistance centers in this
2 state in complying with the requirements of this subdivision.

3 (f) The funding process for distributing grant awards to
4 domestic violence shelter service providers (DVSSPs) shall be
5 administered by the OES as follows:

6 (1) The OES shall establish each of the following:

7 (A) The process and standards for determining whether to
8 grant, renew, or deny funding to any DVSSP applying or
9 reapplying for funding under the terms of the program.

10 (B) For DVSSPs applying for grants under the RFP process
11 described in paragraph (2), a system for grading grant
12 applications in relation to the standards established pursuant to
13 subparagraph (A), and an appeal process for applications that are
14 denied. A description of this grading system and appeal process
15 shall be provided to all DVSSPs as part of the application
16 required under the RFP process.

17 (C) For DVSSPs reapplying for funding under the RFA
18 process described in paragraph (4), a system for grading the
19 performance of DVSSPs in relation to the standards established
20 pursuant to subparagraph (A), and an appeal process for
21 decisions to deny or reduce funding. A description of this grading
22 system and appeal process shall be provided to all DVSSPs
23 receiving grants under this program.

24 (2) Grants for shelters that were not funded in the previous
25 cycle shall be awarded as a result of a competitive request for
26 proposal (RFP) process. The RFP process shall comply with all
27 applicable state and federal statutes for domestic violence shelter
28 funding, and to the extent possible, the response to the RFP shall
29 not exceed 25 narrative pages, excluding attachments.

30 (3) Grants shall be awarded to DVSSPs that propose to
31 maintain shelters or services previously granted funding pursuant
32 to this section, to expand existing services or create new services,
33 or to establish new domestic violence shelters in underserved or
34 unserved areas. Each grant shall be awarded for a three-year
35 term.

36 (4) DVSSPs reapplying for grants shall not be subject to a
37 competitive grant process, but shall be subject to a request for
38 application (RFA) process. The RFA process shall consist in part
39 of an assessment of the past performance history of the DVSSP
40 in relation to the standards established pursuant to paragraph (1).

1 The RFA process shall comply with all applicable state and
2 federal statutes for domestic violence center funding, and to the
3 extent possible, the response to the RFA shall not exceed 10
4 narrative pages, excluding attachments.

5 (5) Any DVSSP funded through this program in the previous
6 grant cycle, including any DVSSP funded by Chapter 707 of the
7 Statutes of 2001, shall be funded upon reapplication, unless,
8 pursuant to the assessment required under the RFA process, its
9 past performance history fails to meet the standards established
10 by the OES pursuant to paragraph (1).

11 (6) The OES shall conduct a minimum of one site visit every
12 three years for each DVSSP funded pursuant to this subdivision.
13 The purpose of the site visit shall be to conduct a performance
14 assessment of, and provide subsequent technical assistance for,
15 each shelter visited. The performance assessment shall include,
16 but need not be limited to, a review of all of the following:

17 (A) Progress in meeting program goals and objectives.

18 (B) Agency organization and facilities.

19 (C) Personnel policies, files, and training.

20 (D) Recordkeeping, budgeting, and expenditures.

21 (E) Documentation, data collection, and client confidentiality.

22 (7) After each site visit conducted pursuant to paragraph (6),
23 the OES shall provide a written report to the DVSSP
24 summarizing the performance of the DVSSP, any deficiencies
25 noted, any corrective action needed, and a deadline for corrective
26 action to be completed. The OES shall also develop a corrective
27 action plan for verifying the completion of any corrective action
28 required. The OES shall submit its written report to the DVSSP
29 no more than 60 days after the site visit. No grant under the RFA
30 process shall be denied if the DVSSP has not received a site visit
31 during the previous three years, unless the OES is aware of
32 criminal violations relative to the administration of grant funding.

33 (8) *If an agency receives funding from both the*
34 *Comprehensive Statewide Domestic Violence Program in the*
35 *Office of Emergency Services and the Maternal and Child Health*
36 *Branch of the State Department of Health Services during any*
37 *grant cycle, the Comprehensive Statewide Domestic Violence*
38 *Program and the Maternal and Child Health Branch shall, to the*
39 *extent feasible, coordinate agency site visits and share*
40 *performance assessment data with the goal of improving*

1 *efficiency, eliminating duplication, and reducing administrative*
2 *costs.*

3 (9) DVSSPs receiving written reports of deficiencies or orders
4 for corrective action after a site visit shall be given no less than
5 six months' time to take corrective action before the deficiencies
6 or failure to correct may be considered in the next RFA process.
7 However, the OES shall have the discretion to reduce the time to
8 take corrective action in cases where the deficiencies present a
9 significant health or safety risk or when other severe
10 circumstances are found to exist. If corrective action is deemed
11 necessary, and a DVSSP fails to comply, or if other deficiencies
12 exist that, in the judgment of the OES, cannot be corrected, the
13 OES shall determine, using its grading system, whether
14 continued funding for the DVSSP should be reduced or denied
15 altogether. If a DVSSP has been determined to be deficient, the
16 OES may, at any point during the DVSSP's funding cycle
17 following the expiration of the period for corrective action, deny
18 or reduce any further funding.

19 ~~(9)~~

20 (10) If a DVSSP applies or reapplies for funding pursuant to
21 this section and that funding is denied or reduced, the decision to
22 deny or reduce funding shall be provided in writing to the
23 DVSSP, along with a written explanation of the reasons for the
24 reduction or denial made in accordance with the grading system
25 for the RFP or RFA process. Except as otherwise provided, any
26 appeal of the decision to deny or reduce funding shall be made in
27 accordance with the appeal process established by the OES. The
28 appeal process shall allow a DVSSP a minimum of 30 days to
29 appeal after a decision to deny or reduce funding. All pending
30 appeals shall be resolved before final funding decisions are
31 reached.

32 ~~(10)~~

33 (11) It is the intent of the Legislature that priority for
34 additional funds that become available shall be given to currently
35 funded, new, or previously unfunded DVSSPs for expansion of
36 services. However, the OES may determine when expansion is
37 needed to accommodate underserved or unserved areas. If
38 supplemental funding is unavailable, the OES shall have the
39 authority to lower the base level of grants to all currently funded
40 DVSSPs in order to provide funding for currently funded, new,

1 or previously unfunded DVSSPs that will provide services in
2 underserved or unserved areas. However, to the extent
3 reasonable, funding reductions shall be reduced proportionately
4 among all currently funded DVSSPs. After the amount of
5 funding reductions has been determined, DVSSPs that are
6 currently funded and those applying for funding shall be notified
7 of changes in the available level of funding prior to the next
8 application process. Funding reductions made under this
9 paragraph shall not be subject to appeal.

10 ~~(11)–~~

11 (12) Notwithstanding any other provision of this section, OES
12 may reduce funding to a DVSSP funded pursuant to this section
13 if federal funding support is reduced. Funding reductions as a
14 result of a reduction in federal funding shall not be subject to
15 appeal.

16 ~~(12)–~~

17 (13) Nothing in this section shall be construed to supersede
18 any function or duty required by federal acts, rules, regulations,
19 or guidelines for the distribution of federal grants.

20 ~~(13)–~~

21 (14) As a condition of receiving funding pursuant to this
22 section, DVSSPs shall do all of the following:

23 (A) Provide matching funds or in-kind contributions
24 equivalent to not less than 10 percent of the grant they would
25 receive. The matching funds or in-kind contributions may come
26 from other governmental or private sources.

27 (B) Ensure that appropriate staff and volunteers having client
28 contact meet the definition of “domestic violence counselor” as
29 specified in subdivision (a) of Section 1037.1 of the Evidence
30 Code. The minimum training specified in paragraph (2) of
31 subdivision (a) of Section 1037.1 of the Evidence Code shall be
32 provided to those staff and volunteers who do not meet the
33 requirements of paragraph (1) of subdivision (a) of Section
34 1037.1 of the Evidence Code.

35 ~~(14)–~~

36 (15) The following definitions shall apply for purposes of this
37 subdivision:

38 (A) “Domestic violence” means the infliction or threat of
39 physical harm against past or present adult or adolescent female
40 intimate partners, including physical, sexual, and psychological

1 abuse against the woman, and is a part of a pattern of assaultive,
2 coercive, and controlling behaviors directed at achieving
3 compliance from or control over that woman.

4 (B) “Domestic violence shelter service provider” or “DVSSP”
5 means a victim services provider that operates an established
6 system of services providing safe and confidential emergency
7 housing on a 24-hour basis for victims of domestic violence and
8 their children, including, but not limited to, hotel or motel
9 arrangements, haven, and safe houses.

10 (C) “Emergency shelter” means a confidential or safe location
11 that provides emergency housing on a 24-hour basis for victims
12 of domestic violence and their children.

13 (g) The OES may hire the support staff and utilize all
14 resources necessary to carry out the purposes of this section. The
15 OES shall not utilize more than 10 percent of any funds
16 appropriated for the purpose of the program established by this
17 section for the administration of that program.